

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VICTOR M. HERRERA,

Plaintiff,

- against -

ORDER
10-CV-1699 (ARR)(LB)

USE OF FORCE CITY OF NEW YORK,
COMMISSIONER DORA SCHIRO, DEPUTY
COMMISSIONER FLORENCE HUNTER,
WARDEN MICHAEL HOURIHANE, WARDEN
CARMINE LABRUZZO, CAPTAIN A.
TAYLOR, CAPTAIN LEE, CAPTAIN
JOHNSON, CAPTAIN MEDINA, CAPTAIN
GARCIA, CORRECTION OFFICER E.
THOMPSON, CORRECTION OFFICER P.
MIGLIORE, CORRECTION OFFICER
RICHARD, CORRECTION OFFICER DRAPEN,
CORRECTION OFFICER CHANG, and
CORRECTION OFFICER HO,

Defendants.

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BLOOM, United States Magistrate Judge:

Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is hereby granted. The United States Marshals Service is directed to serve the summons and complaint upon defendants without prepayment of fees.

Consent to trial and decision on this case by a United States Magistrate Judge

The parties shall advise the Court by signing the enclosed form whether they jointly consent to trial and decision on this case by me, a United States Magistrate Judge, pursuant to 28 U.S.C. § 636(c). Consent of the parties means that I may conduct all proceedings including trial of this matter and the entry of judgment in this case. The parties are free to withhold consent without adverse consequences.

If the parties consent, my decision will be entered as the decision of the Court and an aggrieved party may appeal directly to the United States Court of Appeals to the same extent and subject to the same conditions as if the decision had been rendered by a District Judge. If the parties do not consent to decision by a Magistrate Judge and a dispositive motion is referred, my decision shall be reported as a recommendation to the assigned District Judge.

Any party who disagrees with a Magistrate Judge's report and recommendation must file written objections within fourteen days to preserve their right to appeal. Upon receipt of written objections from a party within fourteen days, the assigned District Judge shall review the proposed recommendations to which the objection is made. The District Judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. If a Magistrate Judge's report and recommendation is accepted by the assigned District Judge, the decision shall be entered and an appeal shall lie to the United States Court of Appeals.

This information regarding the availability of a Magistrate Judge to hear the entire case on consent of the parties is not meant to, in any way, interfere with the parties' absolute right to

decision by a United States District Judge. This is an option available to the parties which may expedite adjudication of this case and preserve scarce judicial resources.

SO ORDERED.

Dated: April 21, 2010
Brooklyn, New York

/S/

LOIS BLOOM
United States Magistrate Judge